

DETAILED ACTION

Examiner's Amendment

1. This application is in condition for allowance except for the presence of claims 24-28 which are directed to an invention non-elected without traverse. Accordingly, claims 24-28 have been cancelled.

Allowable Subject Matter

2. Claims 12-23 are allowed.

3. The following is an examiner's statement of reasons for allowance: The independent claim of Applicant's invention discloses a shopping portal having functionality for identifying and forwarding shoppers to shopping sites. Once the shoppers are forwarded, shopper activities are monitored at the shopping sites to obtain click-through fees. Portions of the click through fees are distributed to affinity group associated with the shopper. Applicant's shopping portal also contains a means for a representative of an affinity group to create a customized web site for the affinity group.

4. Bain (U.S. Pub No. 2001/0053997) discloses a Preference Processing Site (PPS) accessed by users, and connected to vendors and non-profit organizations. When users of Bain shop through the PPS, their chosen non-profit organization (NPO) will receive credit for purchases made. At Paragraph 0030, Bain discloses "The NPOs register either their site so that purchases can review information about the NPO, or provide a brief summary of the information on the PPS for review". However, as per the

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BPAI Decision rendered 3/25/2009, the Board of Patent Appeals and Interferences has relied on a definition from Merriam Webster which states "A website is a group of World Wide Web pages usually containing hyperlinks to each other and made available online by an individual, company, educational institution, government, or organization". Citing from the Board Decision, "The information discussed in paragraph 0030 of the Bain reference is a listing of information not a website for the affinity group" and "there is no disclosure that the information page is a website as understood by those skilled in the art". Since customized summary information provided by the non-profit organization and available for review on the PPS (a web-based portal site) is not considered by the Board of Patent Appeals and Interferences to be a website, such an interpretation is not available and Bain will not read over Applicant's claimed invention.

5. A rejection under 35 U.S.C. 101 was considered for software per se. However in the Appeal Brief dated 10/11/2007, and under Section V "Summary of Claimed Subject Matter", Applicant links multiple iterations of the means for language to servers, as shown in Figures 1, 2, and 4. Therefore, no 101 rejection was given.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL BEKERMAN whose telephone number is (571)272-3256. The examiner can normally be reached on Monday - Friday, 9:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Bekerman/
Examiner, Art Unit 3622